UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

JAMES M. FLAGG,

Plaintiff,

Case No. 2:18-cv-01305-APG-VCF

SEALED ORDER

AARON C. ROUSE, et al.,

MOTION TO ENLARGE TIME [ECF No. 9]

Defendants.

Before the Court is Plaintiff James Flagg's Motion to Enlarge Time to Serve Summons and Complaint Pursuant F.R.C.P. 4(m). (ECF No. 9). For the reasons discussed below, Plaintiff's motion is granted.

On July 17, 2018, Plaintiff filed his complaint and motion to file this action under seal. (ECF Nos. 1, 2). On August 8, 2018, the Court recommended that the motion to file under seal be denied. (ECF No. 6). Plaintiff filed an objection to the recommendation (ECF No. 7), which is pending before the Court. Plaintiff now moves to enlarge time to serve his complaint on Defendants, to allow for a final order on his motion to file under seal. (ECF No. 9 at 3).

The Court may extend the time given in the Federal Rules of Civil Procedure to perform any act, such as serving the complaint, for good cause. Fed. R. Civ. P. 26(b). The Court finds there is good cause to extend time for service of the complaint due to the pending recommendation on Plaintiff's motion to file this action under seal.

ACCORDINGLY, and good cause appearing,

IT IS ORDERED that Plaintiff's Motion to Enlarge Time to Serve Summons and Complaint Pursuant F.R.C.P. 4(m) (ECF No. 9) is GRANTED. Plaintiff will have until April 26, 2019 to serve the complaint on Defendants.

NOTICE

Under Local Rule IB 3-2, any objection to this Order must be in writing and filed with the Clerk of the Court within 14 days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. (See Thomas v. Arn, 474 U.S. 140, 142 (1985)). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. (See Martinez v. Ylst, 951 F.2d 1153, 1157 (9th Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983)).

Pursuant to LSR 2-2, the Plaintiff must immediately file written notification with the court of any change of address. The notification must include proof of service upon each opposing party or the party's attorney. Failure to comply with this Rule may result in dismissal of the action. (See LSR 2-2).

14 IT IS SO ORDERED.

DATED this 22nd day of February, 2019.

CAM FERENBACH

Contracted

UNITED STATES MAGISTRATE JUDGE